

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 35683 of 2007(W)

PETITIONERS:

- 1. K.V.ANTONY, S/O. K.A.VARGHESE,
KOMOROTH HOUSE, PERUMBOTTA ROAD, ELAMAKKARA,
ERNAKULAM, PIN-682 026.**
- 2. K.A.VARGHESE, S/O. LATE AUGUSTINE,
KOMOROTH HOUSE, PERUMBOTTA ROAD, ELAMAKKARA,
ERNAKULAM, PIN-682 026.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

**CITY UNION BANK LTD., ERNAKULAM BRANCH,
KARIMPATTA CROSS ROAD, PALLIMUKKU, KOCHI-16, DULY
REP.BY ITS PRINCIPAL OFFICER AND P/A HOLDER,
S.RAVI, AGED 40, S/O. SIVAKUNJITHAPADAM, PRESENTLY
R/AT BANK QUARTERS, KARIMPATTA CROSS ROAD,
PALLIMUKKU.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N.KRISHNAN, J

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W.P.(C) No.35683 OF 2007

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Dated this the 12th day of December 2007

JUDGMENT

This writ petition is filed with a prayer to recall the warrant and allow the petitioners to deposit the amount due in 60 monthly instalments. It is seen that the first petitioner has filed an affidavit whereby he has expressed his willingness to clear the decree debt and that the second petitioner is not having any means, the court below has ordered arrest. After decree unless there is consent by the decree holder, it may not be right to grant instalment facility.

2. I, therefore direct the petitioners herein to move an application before the court below seeking to pay the amount in instalments and in order to facilitate the same, I direct the court below not to execute the warrant of arrest for a period of one month. If such an application is filed after notice, let it be considered and appropriate orders passed.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-

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